

Appl. No. 10/065,744
Amdt. Dated May 28, 2004
Reply to Office action of March 2, 2003

REMARKS/ARGUMENTS

This case has been carefully reviewed in light of Office Action dated March 2, 2004. In the Office Action, claims 12-19 were rejected under 35 USC 112 second paragraph, and claims 1-5 and 11 were rejected under 35 USC 102(e). In the Office Action, claims 6-10 were objected to but were deemed allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. In this amendment, claim 1 and 12 were amended. No new matter has been added.

Claims 1-19 remain pending in this application.

Claims 12-19 were rejected under 35 USC 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as invention. Applicant respectfully submits that claim 12 has been amended to recite a method for sealing at least one arc tube. Claims 13-19 depend directly or indirectly from claim 12. Therefore, Applicant respectfully submits that claims 12-19 are in full compliance with 35 USC 112 second paragraph. Withdrawal of the rejection is respectfully requested and allowance of the claims is respectfully solicited.

Claim 1 has been amended to include the manner in which the layers are disposed. Support for the amendment can be found in the specification at, for example, Fig. 3 and page 5, lines 1-7

Claims define allowable subject matter over the applied art

Applicant respectfully traverses the rejection of claims 1-5 and 11 under 35 USC 102(e) as being anticipated by Ju et al (US Pat. No. 6,579,590). The present invention, as claimed in independent claims 1 and 12 are patentable over the Ju reference. "Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." W.L. Gore & Associates v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983). The Ju reference does not disclose each element of the present invention as claimed in independent claim 1. Independent claims 1 disclose a heat shield structure and method for implementing a heat shield adapted for reducing the thermal gradient generated in a furnace used for sealing at least one arc tube. The heat shield structure comprises alternating thermally conducting material and thermally non-conducting material. The Ju reference does not teach or disclose each and every element of independent claims 1. Specifically, the Ju reference does not teach, suggest or disclose Applicants' recited heat shield structure comprising a plurality of layers where the layers are disposed about the arc tube to enable a radially outward heat flow during the sealing of the arc tube. Ju instead teaches a thermally-assisted magnetic recording disk that has a low thermal conductivity multi-layered thermal barrier between the substrate and the magnetic recording layer to avoid rapid heat conduction away from the locally heated spot and to reduce the amount of power needed to raise the temperature of the recording media above a required value (column 2, lines 42-48). Nowhere does Ju teach, suggest or disclose a heat shield structure comprising alternating layer of conducting and non-conducting materials, where the layers are disposed about the arc tube to enable a radially outward heat flow during the

Appl. No. 10/065,744
Amdt. Dat d May 28, 2004
Reply to Office action of March 2, 2003

sealing of the arc tube. The heat shield structure, as claimed by Applicant's invention as recited in claim 1, is used to prevent the heat generated by the sealing process from reaching the arc tube body and thus preventing adverse thermal gradients in the critical regions, which cause cracking of the arc tube.

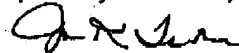
Therefore, the present invention, as claimed in amended independent claim 1 is not anticipated by the Ju reference. Claims 2-5, and 11 depend directly or indirectly from claim 1. Accordingly, Applicant submits that claims 2-5, and 11 are allowable by dependency. Thus, it is respectfully requested that the rejection of claims 1-5, and 11 under 35 USC §102 (e) be withdrawn.

Claims 6-10 were objected to as being dependent on a rejected base claim. With reference to the 102(e) rejection, Applicant respectfully submits that amended claim 1 is in condition for allowance. Claims 6-10 depend directly or indirectly from claim 1. Accordingly, Applicant submits that claims 6-10 are allowable by dependency. Thus, it is respectfully requested that the objection of claims 6-10 be withdrawn.

In view of the foregoing amendment and for the reasons set out above, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

Should the Examiner believe that anything further is needed to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,



Jean K. Testa

Reg. No. 39,396

General Electric Company
Building K1, Room 3A62
Schenectady, New York 12301
(518)387-5115